



The Salisbury Planning Board held its regular meeting Tuesday, February 12, 2008, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Dr. Mark Beymer, Robert Cockerl, Tommy Hairston, Richard Huffman, Craig Neuhardt, Sandy Reitz, Jeff Smith, Valerie Stewart, Albert Stout, and Diane Young.

ABSENT: None

STAFF: Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, David Phillips, Patrick Ritchie, and Wendy Spry

MEDIA: Mark Wineka of the *Salisbury Post*

Dr. Mark Beymer, Chair, called the meeting to order and offered an invocation. The minutes of the January 22, 2008, meeting were approved as submitted. The Planning Board adopted the agenda as submitted. Dr. Beymer explained the courtesy hearing procedures.

NEW BUSINESS

A. District Map Amendment

(1) LDOZ-5-01-2008 3118 South Main Street
from RESIDENTIAL district (GR3)
to NEIGHBORHOOD MIXED-USE district (NMX)
Tax Map - Parcel(s): 470-024

Preston Mitchell gave a staff presentation. The zone change falls under the new Land Development Ordinance rules, regulations and guidelines; this is the first case under the new land development ordinance. The petitioners are Stephen & Elia Gegorek and the owner is Keo Homsombath.

This petition is for approximately 0.68 acres, encompassing one parcel; the property is located along the east side of South Main Street at the intersection of South Main Street, Forbes Avenue, and Raymond Avenue, and approx. ½-mile north of Airport Road.

Existing Zoning

GR3 district The General Residential District is intended for the City's existing predominately-residential neighborhoods and provide for new primarily residential

development in accordance with a suburban pattern. These districts are differentiated only by the density of the overall development relative to the planning goals of the City as set forth in the Comprehensive Plan. *The GR3 district has a maximum density of 3 dwelling units per acre.*

Proposed Zoning

NMX district The Neighborhood Mixed-Use District is coded to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached. *The NMX does not have a maximum number of dwelling units per acre; however, it does have a maximum footprint of 2,000 square feet per building.*

The property contains one principal structure (house building type), approximately 1,736 square feet in size, and two accessory structures to the rear of the principal.

The NMX district would permit the house type to remain and would also permit all other building types identified by the Land Development Ordinance so long as the building footprint did not exceed 2,000 square feet. Additionally, the NMX district would permit multiple principle buildings on the same lot.

Based on the description of the NMX district, staff recommends that the board review the policy statements from the Vision 2020 Plan. The zoning and development pattern indicates a moderate level of transition in the area; however, physical development (physical change) has been minimal to nil, so any transition is occurring at a snail's pace. The neighborhood associated with the subject site remains viable and should be protected. Although the properties across Forbes Avenue are clearly commercial in nature and zoned Highway Business (HB), additional and immediate intensifications in zoning of the neighborhood need to be gentle and relegated to the South Main frontages. The NMX district permits a variety of professional services, small-scale retail and restaurant, and all forms of residential. Again, any residential densification or commercial intensification needs to occur along the South Main frontage and not interior to the neighborhood.

Those speaking in opposition:

Mr. Raymond Condrey is a 35-year resident of 3115 Raymond Avenue. He spoke on behalf of himself and Watson Huston—a 90-year-old neighbor who could not attend the meeting. They do not wish to see commercial uses in their neighborhood. Many of the houses surrounding them are unoccupied or rented. Uses such as a funeral home and a bank are not what they desire as their neighbors.

Those speaking in favor: None

Board Discussion:

Diane Young asked for an explanation on the buffering of NMX against GR3. Staff responded that there is no requirement along the rear because there is a street there. A D3 planting yard is required—a 20' planting yard for non-residential or multi-family (along the edge of Mr. Condrey's property), and if more than 25 percent is added to square footage. Physical changes to the building or the addition of 12 parking spaces trigger buffering. They are not seeking change to the property. Office/Institution uses requires adding three parking spaces.

Craig Neuhardt made a MOTION to deny LDOZ-5-01-2008 "because of the local interest in it." (Concern of the neighbors) "The Planning Board finds and determines that denial of rezoning petition LDOZ-5-01-2008 is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan, and hereby recommends Denial." Dick Huffman seconded the motion.

Valarie Stewart did not feel she understood the exact reasons why the neighbors were against the rezoning. Mr. Condrey responded to Ms. Stewart that he spoke to Mr. Mitchell and found out what the zoning would allow if the property were rezoned. They would like to keep the present character and value of the neighborhood.

Jeff Smith said there are things that make him comfortable with this rezoning and one is the 2,000-square-foot footprint. That ultimately limits the uses pretty heavily. The uses allowed in NMX are a little heavier than he has been comfortable with in the past. (office/institutional) The viability of this residential corner is waning and something probably needs to happen. His vision of the new land development ordinance is that we would not see "picking" of individual lots for rezoning and Planning Board would make better planning decisions for the area. You cannot add 25 percent to the house because you would be over the 2,000-square-foot limit; if it were torn down, you would lose almost one-half of the lot, potentially, to landscaping.

Dr. Beymer had concerns about someone buying the vacant lot next to it; then, you would then have enough land to put something on—which would be of a greater intrusion into the neighborhood.

Sandy Reitz would be more comfortable if there was a buffer. Albert Stout felt he could support the motion. Robert Cockerl believes the footprint would help to stabilize the situation where there would not be any new large-scale construction on the site, but it could infringe on the neighbors.

Karen Alexander asked if it was possible to do something (if rezoned) that is site specific—which use has to be identified so the neighbors know what it would be used for. She is not in favor of leaving a small amount of residential sandwiched in between heavy highway business (NMX). It would be better to study this and come up with a more holistic solution while we are in this transition. "I see it being a problem as a precedent-setting issue, as we move forward with these little things being everywhere and not being able to control what is there."

Preston Mitchell said that it is not possible to choose uses out of the Neighborhood Mixed Use. The only way that is possible is to add a conditional district on top of the NMX. A CD/NMX can place conditions on the site and can only be sought or petitioned for by the owner. A "base zone" rezoning can be requested by anyone. A more restrictive zoning can be requested (like RMX).

Diane Young said that she would vote against the motion, because she believes it needs to be sent to a committee. There are several options to review and consider. While the Planning Board is becoming accustomed to the new land development ordinance, this might be the wisest choice.

Jeff Smith stated he would be voting against the motion. Although RMX may be more restrictive in terms of uses, it is not in terms of scale and the buffer would be smaller. "The scale trumps the uses that are there." He thinks this should be approved.

Sandy Reitz stated that she would vote against the motion and favors the NMX because this area was an area the land development ordinance committee decided was the right area for this type of zoning.

Dick Huffman supported the motion with concerns that "nibbling around the edges of neighborhoods destroys them." He does not favor a piecemeal approach to rezoning the area. This is not good planning strategy.

Karen Alexander said she is in support of the motion on the floor "because it is too broad for a committee—it's fundamental."

Those voting in favor to deny the LDOZ-5-01-2008 were Albert Stout, Mark Beymer, Karen Alexander, Craig Neuhardt, and Dick Huffman. Those voting in opposition were Jeff Smith, Diane Young, Sandy Reitz, Valarie Stewart and Robert Cockerl. Tommy Hairston entered the meeting late and abstained during the voting. (5-5) The motion died.

Diane Young then made a MOTION to send the case to committee with Valarie Stewart seconding the motion. Jeff Smith, Sandy Reitz and Albert Stout were not in favor of sending the case to committee. Karen Alexander, Craig Neuhardt, Dick Huffman, Diane Young, Valarie Stewart, Robert Cockerl, and Mark Beymer were in favor of sending LDOZ-5-01-2008 to committee.

Legislative Committee B (Sandy Reitz, Albert Stout, Diane Young, Tommy Hairston and Craig Neuhardt) will meet Friday, February 15, at 8 a.m. in the 2nd floor at City Hall.

Note: That meeting was later cancelled when the petitioner requested the case be deferred.

B. Group Developments

The Group Developments and subdivision fall under the old zoning ordinance.

- (1) G-05-79 Westland Shopping Center (Biscuitville)
515 Jake Alexander Boulevard West
Tax Map 061, Parcel 152, Zoning B-7 (New District is HB)

Wendy Spry made the staff presentation. This is being reviewed under the old code. This is the old "Western Steer" building that has been demolished and the site graded. There will be a drive through. This is not an out parcel. The number of parking spaces required on this site is 239; they will have 347 parking spaces. NCDOT is requiring a connection between two concrete islands that prevent a left turn from Jake Alexander Boulevard.

Mr. Gene Mustin of Borum, Wade and Associates, P.A., submitted the application for the construction of a 3,479 square-foot restaurant to be located at 515 Jake Alexander Boulevard West. All zoning criteria have been met. The Technical Review Committee (TRC) recommends approval to the Planning Board of the application with the following conditions:

1. The existing driveway connection on Jake Alexander Boulevard West requires a permit from NCDOT. Any significant revisions required by NCDOT shall be shown on the site plan and reviewed by Planning Board prior to City Council review.
2. To be consistent with the Vision 2020 Comprehensive Plan, staff recommended a street yard with a minimum 8-foot planting strip and street trees to be added on private property to the driveway on Jake Alexander Boulevard West.

Those speaking in opposition: None

Those speaking in favor:

Glen Ketner, Attorney, located at 121 E. Kerr Street, spoke on behalf of T. Cooper James and Associates the current owner of the Westland Center. A 5-foot sidewalk extension from the Salisbury Village site to the entrance of the shopping center has been included. The connectivity is shown. The planting strip as suggested (above) would affect the traffic flow and he requested not to extend the planting strip all the way to the drive, but to leave as shown on the drawings.

Gene Mustin, of Borum, Wade and Associates, P.A.--621 Eugene Court, Suite 100, Greensboro, NC 27401, is the engineer for the site. He is the representative of Biscuitville and does sites across North Carolina. Mr. Mustin stated that City staff had been great to work with. He made himself available for any questions.

Deborah Cook, director of real estate for Biscuitville, 1414 Yancyville Street, Suite 300, Greensboro, NC 27405 stated that Biscuitville is a 50-store operation—not a franchise. (All corporate-owned/family-owned.) They have been in business for about 40 years. The hours of operation will be 6 a.m. until 2 p.m., which will free up the parking for the afternoon. This will be quite an improvement to the shopping center. They do not want to block the visibility of the shops in the shopping center.

Karen Alexander asked if parking could just be restriped for the planting strip. Glen Ketner stated that it would modify movement—“8 feet less space than you have now.” The expense of extending the planting strip about 110 more feet is considerable and it is not a code requirement. Mr. Ketner believes they have met the staff recommendation part of the way. Mrs. Alexander stated that from an aesthetic point of view it would never look finished.

John Leatherman, 120 Gregory Road, said he was in favor of the site plan but asked for clarification on the connection of the concrete islands that prevent a left turn. He would like the Planning Board to recommend to NCDOT that the no left turn be realigned to allow access to some properties like the Pizza Hut.

Jeff Smith said he is grateful for the connectivity. He has been a proponent for landscaping and for sidewalks; they have done just enough. Mr. Smith then made a Motion to approve G-05-79 as presented with the one condition of any changes required by a DOT driveway permit. Albert Stout seconded the motion with all members voting AYE. (11-0)

(2) G-21-07 Gerry Wood Kia
529 Jake Alexander Boulevard South
Tax Map 060, Parcel 174, Zoning M-1

David Phillips made a staff presentation. During his presentation, Mr. Phillips pointed out the canopy on the front of the building which will be removed and an existing open bay area will be enclosed for vehicle reception. There is a utility easement where no structure may be erected. A minimal green space will be installed between the two dealerships.

Mr. Gerry Wood of Salisbury submitted the application for the construction of a 1,056 square-foot addition and the remodeling of the existing facility located at 529 Jake Alexander Boulevard South. The original site plan for the two dealerships incorporated a shared driveway. In 2006, NCDOT granted a new driveway access for 529 Jake Alexander Boulevard South. The two properties still maintained inter-connectivity between the sites. The revisions to the site plan show a realignment of the access drive but still provide the inter-connectivity. All zoning criteria have been met. The TRC recommends approval to the Planning Board of the application, as submitted.

Those speaking in opposition: None

Those speaking in favor: None

Valarie Stewart made a MOTION to approve G-21-07 as submitted. Karen Alexander seconded the motion with all members voting AYE. (11-0)

C. Preliminary Subdivision Plat

- Receive a presentation from staff
- Receive comments from the developer and the public
- Board discussion and action regarding preliminary plat S-13-07

(1) S-13-07 for Milbrook Medical Park

Patrick Ritchie made a staff presentation. This is being submitted under the old code, which means Planning Board is the final approval authority for the preliminary plat. New construction of buildings will be handled under the new land development ordinance.

The Engineering Division has received a plat from Mr. Bill Wagoner to subdivide a 5.975-acre tract into nine commercial lots. The site is located on Statesville Boulevard within the Salisbury city limits and is zoned B1-S.

A new public street, with associated water and sewer utilities, will be constructed to serve each proposed lot. The street and public utilities will be constructed to City Standards except for specific items listed below for which the developer has requested modification of standards.

1. The street design includes two horizontal curves with centerline radii of 100 feet, but City standards require a minimum radius of 590 feet for a commercial street. TRC discussed the design and agreed that it is reasonable given the short length of the proposed street. A reduced speed limit will be required.
2. The City subdivision ordinance section 5.02.13.b requires sidewalk along the frontage with Statesville Boulevard and on both sides of the proposed street. TRC recommends payment in lieu of construction for sidewalk along the frontage on Statesville Boulevard so that CMAQ funds (available in FY 2010) may be used to leverage 5 times as much sidewalk at that time.

TRC recommends that Planning Board approve preliminary plat S-13-07 for Milbrook Medical Park subject to modification of standards listed above.

Dr. Beymer asked for clarification of the first recommendation of modification of standards. Dan Mikkelsen answered that the original standard is based on a posted speed of 35 miles per hour (mph); in a commercial area that would be 5 mph faster

(40 mph). The chances of someone getting up to 40 mph are very slim. The 20 mph posted speed is more appropriate for a road this short that ends in a cul-de-sac. Additionally, the posted speed and the design speed can be one in the same.

Those speaking in opposition: None

Those speaking in favor:

Bill Wagoner of Wagoner properties, 507 W. Innes Street, Suite 200, stated that the reason the "funny curve" came in was because NCDOT required that the road centerline be aligned with Meadowbrook Drive for their curb cut and this curve allows them to get the street to the center of the site as quickly as possible and not waste any more land.

Due to the elevation of the site, there is an off-site city sewer easement that has been negotiated with the Land Trust of Central North Carolina to go across their property to get to the lowest part of the sewer. There is a 70' treed buffer and cannot be built in by this developer.

Mr. Wagoner is in favor of the payment in lieu recommendation for the sidewalks. There are other locations that could benefit more from the installation of sidewalks.

Jeff Smith made a MOTION to approve S-13-07 with two modifications from standards as submitted. Albert Stout seconded the motion with all members voting AYE. (11-0)

OTHER BOARD BUSINESS

- Dr. Beymer made a Planning Board goals presentation to City Council at their last meeting.
- The Highway 70 Legislative Committee will be put together in March.
- Preston Mitchell stated that the draft of the bicycle plan has been completed by the consultants, Wilbur Smith Associates of Raleigh. Staff is in the process of reviewing the plan for contractual technicalities. NCDOT (the bicycle and pedestrian division) is very involved with this project because of the grant money. Mr. Mitchell hopes that the next steering committee meeting will be in the middle of March.
- Planning Board scheduled training on the new Land Development Ordinance for Wednesday, March 5 at 6:30 p.m.
- Planning Board is also invited to attend the March 6 COG Training at 6 p.m., at the Kannapolis Depot.

- TRC is next Thursday morning.
- The only recent administrative approval was for Cloninger Toyota which was a minor site plan. They requested the ability to construct an auto wash on the side of one of their existing buildings.

The next meeting will be February 26, 2008.

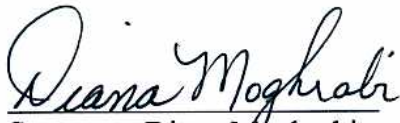
There being no further business to come before the Planning Board, the meeting was adjourned at 6 p.m.



Dr. Mark Beymer, Chair



Diane Young, Vice Chair



Secretary, Diana Moghrabi

